

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHAUNTE OTT,

Plaintiff,

v.

Case No. 09-C-870

**CITY OF MILWAUKEE,
ARTHUR L. JONES,
NANNETTE H. HEGERTY,
CARL BUSCHMANN,
JAMES DEVALKENAERE,
ROBERT SIMON,
ERIC MOORE,
RICKY BUREMS,
PERCY MOORE,
MICHAEL DUBIS, and,
OTHER AS-OF-YET
UNKNOWN EMPLOYEES OF
THE CITY OF MILWAUKEE,**

Defendants,

DECISION AND ORDER

This Decision and Order follows the Court's *in camera* inspection of the memorandum of less than one and a half pages which memorializes the interview of Latonia Cooper ("Cooper") by Attorney John Pray and his students (collectively "Pray"). (ECF No. 164.) The memorandum was filed by Plaintiff Chante Ott ("Ott") as directed by the Court's April 17, 2013, Decision and Order. (ECF No. 160.) The Court assumes familiarity with that decision and order.

In conformity with the law on the waiver of the work product privilege, *Appleton Papers Inc. v. E.P.A.*, 702 F.3d 1018, 1025 (7th Cir. 2012) and Rule 502 of the Federal Rules of Evidence, summarized at pages seven through nine of the April 17, 2013, Decision and Order, the Court has compared the contents of the memorandum to the subjects disclosed in Pray's deposition; specifically, when the interview took place; whether Latonia Cooper ("Cooper") ever mentioned the name of Walter Ellis; and whether Cooper mentioned that she was shown photos by the police. The date of the Cooper interview is the only subject Pray disclosed in his memorandum that he also disclosed during his deposition. The Court finds "good cause" to seal the date because it could result in harm to Cooper. That date will be disclosed in the sealed appendix to this order.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

The Defendants' motion to compel (ECF No. 135) is **GRANTED** to the extent that the date of Pray's interview with Cooper is disclosed in the sealed appendix to this Order.

Dated at Milwaukee, Wisconsin this 8th day of May, 2013.

BY THE COURT


Hon. Rudolph T. Randa
U.S. District Judge